
United States District Court

for the
Western District of New York

United States of America

v.

Case No. 22-mj-55

HASSAN MOUSSA FARES

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates listed below, in the Western District of New York, the defendant, HASSAN MOUSSA FARES, did knowingly execute, and attempt to execute, a scheme and artifice to defraud Discover Bank and M&T Bank, financial institutions whose accounts were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, and assets owned by and under the custody and control of such financial institutions by means of materially false and fraudulent pretenses, representations, and promises:

Count	Date	Financial Institution
1	March 21, 2018	Discover Bank
2	April 22, 2019	M&T Bank
3	June 21, 2019	Discover Bank

All in violation of Title 18, United States Code, Section 1344.

On or about the dates listed below, in the Western District of New York, the defendant, HASSAN MOUSSA FARES, did knowingly make a false statement for the purpose of influencing the action of an institution whose accounts were insured by the Federal Deposit Insurance Corporation, in connection with an application, advance, commitment, and loan in that, on each of the dates identified below, the defendant represented to the financial institutions identified below that his annual income was higher than the defendant's annual income truly was:

Count	Date	Financial Institution
4	March 21, 2018	Discover Bank
5	April 22, 2019	M&T Bank
6	June 21, 2019	Discover Bank

All in violation of Title 18, United States Code, Section 1014

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

CHRISTOPHER J. DLUGOKINSKI
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION
Printed name and title

Sworn to before me and signed telephonically.

Date: April 8, 2022



Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

CHRISTOPHER J. DLUGOKINSKI, being duly sworn, deposes and states:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), United States Department of Justice. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I have served as an FBI Special Agent since May of 2018 and am currently assigned to the FBI Buffalo Division. During that time, I have participated in investigations involving violent crime, drug trafficking networks, organized crime and racketeering influenced corrupt organizations ("RICO"), neighborhood-based street gangs, and national security matters. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated these crimes in the Western District of New York. My training and investigative experience detailed herein, and the experiences of other law enforcement agents, who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. This affidavit is based upon your affiant's personal knowledge, information provided by other law enforcement personnel, and evidence obtained during this investigation. It is submitted for the limited purpose of establishing probable cause, and, as such, I have not included details of every aspect of this investigation.

4. Your affiant makes this affidavit in support of a Criminal Complaint charging **HASSAN MOUSSA FARES ("FARES")** with violating Title 18, United States Code, Sections 1344(1) and (2) (Bank Fraud) and Title 18, United States Code, Section 1014 (False Statements For Loans or Credit).

BACKGROUND OF INVESTIGATION

5. Discover Bank ("Discover") is an American financial services company that offers checking and savings accounts, personal loans, home equity loans, student loans and credit cards. Discover is headquartered in Greenwood, Delaware and serves customers in the United States.

6. Manufacturers Trade and Trust ("M&T") is an American financial institution, which offers checking and savings accounts, personal loans, home equity loans, student loans and credit cards. M&T is headquartered in Buffalo, New York and serves customers in the United States.

7. Discover and M&T meet the definition of a financial institution as outlined in Title 18, United States Code, Section 20. Both Discovery and M&T are insured depository institutions as members of the Federal Deposit Insurance Corporation ("FDIC.") The FDIC is an independent agency of the United States government that protects depositors from losses in the event a financial institution fails.

8. Based on my investigation, I know that standard practices for loan and credit applications for Discover or M&T products include, but are not limited to, collecting personally identifying information from the customer. Such information may include but is not limited to, the applicant's legal name, date of birth, Social Security number, home address, phone number, and email address. In addition, based on my training and experience as well as information I have learned from other special agents who investigate white collar crimes, I know that financial institutions, such as Discover and M&T, often assess the risk of opening accounts or offering a loan by collecting financial data from the customer, which may include the customer's current assets and liabilities, place of employment, and sources of income.

9. The investigation to date has provided probable cause to believe that FARES has exhibited a pattern of fraud and misrepresentations about his income in applications to Discover and M&T, all while failing to pay outstanding debts incurred in his name. By doing so, there is probable cause to believe that FARES violated Title 18, United States Code, Sections 1344(1) and (2) (Bank Fraud) and Title 18, United States Code, Section 1014 (False Statements For Loans or Credit).

SCHEME TO DEFRAUD

DISCOVER BANK CREDIT CARD

10. On or around March 21, 2018, a Discover Bank Credit Card application was received by Discover Bank in the name of HASSAN FARES SR.

11. The credit card application was submitted online and included a mailing address for FARES of 2421 William Street, Buffalo, NY, date of birth of 11/17/1992, Social

Security number of [xxx]-[xx]-7669, email address hfares9119@gmail.com, and cellular telephone number 646-479-2611.¹

12. In addition, on the credit card application FARES claimed no employment status and stated that he was a student at the City University of New York (CUNY) College of Staten Island. FARES claimed total annual income of \$80,000.00 and total available assets of \$40,000. The application asked FARES to identify his employer; FARES, however, left this part of the application blank. Based on this information, Discover Bank approved FARES' application and provided him with a credit card with an initial credit limit of \$2,000.

13. On or around March 31, 2018, FARES began utilizing the newly issued credit card.

M&T BANK LINE OF CREDIT

14. On June 6, 2018, FARES established M&T Bank personal checking account 9875232499 (hereinafter, M&T 2499). FARES is the sole authorized signor of the account.

15. On or around April 22, 2019, FARES applied for an unsecured loan, a Line of Credit (LOC), in the amount of \$9,000 via M&T's web banking portal.

16. The application included a mailing address for FARES of 2421 William Street #2, Buffalo, NY, 14206; a Social Security number ending 7669; and an email address of hfares9119@gmail.com.

17. On the loan application FARES reported to be employed Full Time by "Ametek" and his occupation was "Empl Engineer." Lastly, FARES claimed to be

¹ Although this application was submitted in the name of "HASSAN FARES SR.," I know, based on my investigation, that HASSAN FARES' father's name is MOUSSA HUSSEIN FARES. Further, the Social Security number, email address, and telephone number provided on the loan application are all associated with Hassan FARES.

employed for 1 year and 2 months with a gross annual income of \$70,000. As described below, however, FARES was terminated from Ametek in October 2018.

18. On or around April 22, 2019, the M&T LOC was funded and attached to M&T 2499; the available line was \$9,000.

DISCOVER BANK PERSONAL LOAN

19. On June 21, 2019 a personal loan application was submitted online and included a mailing address for FARES of 2421 William Street, Buffalo, NY; date of birth of 11/17/1992; a Social Security number of xxx-xx-7669; and a cellular telephone number of 646-479-2611.

20. On the personal loan application FARES reported to be employed Full Time by "Amateck" and listed his occupation as "Information Technology." Lastly, FARES claimed to have been employed by Ametek for 1 year and 6 months with a gross annual income of \$60,000. As described below, however, FARES was terminated from Ametek in October 2018.

21. On June 24, 2019, Discover Bank personal loan application in the name of HASSAN FARES was approved by Discover Bank for an amount of \$20,000.00.

22. On June 25, 2019, M&T 2499 posted a \$20,000 ACH. The transaction was described as "Discover Bank Prearrange."

TRAVEL and EMPLOYMENT

23. According to US Customs and Border Protection (CBP) records, in February of 2018 FARES returned to the United States from a two-month trip to Lebanon. FARES did

state that the purpose of the trip was to visit family after graduating from CUNY Staten Island with a bachelor's degree in electrical engineering in 2017. FARES stated that he would be moving to Buffalo, New York to reside with his cousins at 2421 William Street, Buffalo, New York and look to for work.

24. Employment records received from Cortech LLC, an employment staffing company that employed FARES during 2018, indicated that FARES' W-2 earnings were approximately \$6,600 in 2018.

25. Employment records received from Ametek, a company FARES was assigned to work for through Cortech LLC, indicate that FARES quit his job and was formally terminated in October 2018.

26. According to CBP records, in October of 2018 FARES left the United States for Lebanon and returned to the US in January of 2019. In an interview with CBP Officers in January 2019 FARES admitted that he worked at Ametek for four months on an assembly line but quit the job prior to leaving for Lebanon. FARES stated that he was returning to the US to look for a school to earn his master's degree and would look for work near whatever school he chooses to enroll with.

27. According to CBP records, in May of 2019 FARES was encountered at the Peace Bridge Port of Entry, Buffalo, New York, after making a wrong turn. FARES stated during an inspection with CBP Officers that FARES was employed as a Lyft driver and also worked part-time repairing electronic device screens at a mall kiosk. FARES stated that he intended on returning to Lebanon in August of 2019 to visit family and get engaged to his girlfriend.

28. According to CBP records, in August of 2019 FARES traveled to Lebanon again.

PROOF OF IDENTIFICATION

29. According to CBP records, FARES routinely travels between the United States and Lebanon and spends approximately 50% of his time residing in each respective country. During multiple inspections by CBP between 2017 and 2019 FARES provided telephone number 646-479-2611 and email address hfares9119@gmail.com as his personal contact information, along with his personally identifying information such as his US Passport and Driver's License.

30. According to subscriber records for the hfares9119@gmail.com email account provided on the credit card application, the email account had an associated phone number of 646-479-2611 and subscriber name H FARES.

31. According to the M&T Bank LOC web banking application filed on April 22, 2019 FARES listed email address hfares9119@gmail.com along with his personally identifying information such as name, date of birth, and Social Security number.

32. According to the Discover Bank Personal Loan application filed on June 21, 2019 FARES listed telephone number 646-479-2611 along with his personally identifying information such as name, date of birth, and Social Security number.

FINANCIAL ANALYSIS: FARES' EMPLOYMENT AND INCOME

33. Beginning September 7, 2018 through November 2, 2018, MTB 2499 received nine ACH payroll payments from Cortech LLC Payroll. In aggregate, these payments totaled approximately \$5,038 in net earnings.

34. Also, in 2018, FARES deposited two checks via an ATM from Language Intelligence LTD. Language Intelligence LTD. is a Rochester, NY based company that provides language translation services. In aggregate, these checks totaled approximately \$1,222 and were deposited into MTB 2499. The checks were issued on June 30, 2018 and October 15, 2018.

35. Beginning in or around March 1, 2019 through July 16, 2019, thirteen deposits via mobile deposits and payment platforms were deposited in M&T 2499 from the following sources: Language Intelligence LTD, Grubhub Inc, Lyft, and Uber. In aggregate, earnings from these sources of income totaled approximately \$1,034.

36. Based on a review of M&T 2499, FARES earned approximately \$6,260 in income in 2018. This is inconsistent with the applications described above, in which FARES reported receiving between \$60,000 and \$80,000 in annual income.

FINANCIAL ANALYSIS: FARES' SPENDDOWN OF FUNDS

DISCOVER BANK CREDIT CARD

37. Beginning in or around March 31, 2018 through September 21, 2019 the Discover credit card was utilized for personal living expenses such as fuel, food, transportation, clothing, and cellular telephone services. The largest expense incurred was approximately \$3,034 for a laptop computer on August 19, 2019.

38. In or around May 19, 2021 an Experian Credit Report was run on FARES. Per the results of the report, Discover Bank charged off an outstanding balance of \$8,441.

M&T BANK LINE OF CREDIT

39. Beginning June 7, 2019, FARES utilized the LOC for personal living expenses such as fuel, food, transportation, clothing, and cellular telephone services. The largest expense incurred was approximately \$3,303 on Amazon Marketplace on September 27, 2019.

40. On July 9, 2019, one payment, in the amount of \$581, was made toward the LOC. Otherwise, FARES made no other payments to the LOC.

41. Approximate to June 2019 through November 5, 2019 FARES depleted the LOC through purchases, cash advances, interest, and fees.

42. Per the Experian Credit Report, M&T Bank closed FARES' LOC, charged off \$8,815 as uncollectable, and reported an outstanding balance of \$9,405.

DISCOVER BANK PERSONAL LOAN

43. On June 25, 2019, \$20,000 was deposited via ACH in M&T 2499. The source of the ACH was the personal loan from Discover Bank. Prior to the deposit, the balance of the M&T 2499 was approximately \$494.

44. On or around June 25, 2019, FARES disbursed via ACH \$9,500 of the Discover Loan proceeds from M&T 2499 to his personal Robinhood account previously established in May of 2019. Per Robinhood's website, it identifies as a financial services

company headquartered in Menlo Park, California dealing in commission-free trades of stocks, exchange-traded funds and cryptocurrencies via a mobile application.

45. An additional \$5,000 and \$1,000 of the loan proceeds were sent by ACH to Robinhood respectively on or around July 25, 2019 and August 2, 2019. In or around August 2019 the funds in Robinhood were depleted due to adverse market trades.

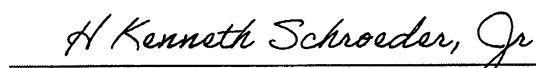
46. In or around November of 2020 the balance outstanding was approximately \$20,568. Per the Experian Credit Report, Discover Bank charged off the entire outstanding balance.

47. WHEREFORE, based on the foregoing, I submit that there is probable cause to believe that HASSAN MOUSSA FARES did violate Title 18, United States Code, Sections 1344(1) and (2) (Bank Fraud), and Title 18, United States Code, Section 1014 (False Statements For Loans or Credit).



CHRISTOPHER J. DLUGOKINSKI
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed telephonically,
this 8th day April 2022.


HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge